

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

JAN - 8 2018

Clerk, U.S. District Court
Texas Eastern

§

SCOTT FIELDS

Cause No. 4:16-CV-00607

Plaintiff,

v.

TEXAS DEPARTMENT OF STATE HEALTH SERVICES, DAVID LACKEY, CITY OF SHERMAN, TEXAS, CARY WACKER, OTIS HENRY, SAM BOYLE, RYAN HAPIUK, JEFF JONJES, GRAYSON COUNTY, TEXAS JUSTICE OF THE PEACE COURT NO. 1, LARRY ATHERTON, OFFICE OF THE DISTRICT ATTORNEY FOR GRAYSON COUNTY, TEXAS, JOE BROWN, BRETT SMITH, GRAYSON COUNTY, TEXAS, KEITH GARY, GRAYSON COUNTY, TEXAS JUSTICE OF THE PEACE COURT NO. 3, MIKE REEVES, 15TH JUDICIAL DISTRICT COURT OF GRAYSON COUNTY, TEXAS, JIM FALLON, JAMES DUNN, AND JOHN DOE (OFFICER COLBERT),

Defendants, and

THE OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF TEXAS,

Respondent.

PLAINTIFF'S NOTICE OF APPEAL

TO THIS HONORABLE COURT:

1. Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff Scott Fields ("Plaintiff") here brings this Notice of Appeal regarding this district court's findings, several orders, and general memorandum of December 7, 2017.

2. Amid those December 7, 2017 orders, this district court, relying much upon magistrate findings and recommendations by Judge Christine Nowak, ordered that Plaintiff's claims against the Office of the Attorney General for the State of Texas be dismissed; ordered that Plaintiff's claims against the Texas Department of State Health Services be dismissed; ordered that

Plaintiff's 1983 claims against David Lackey in his official capacity be dismissed; and ordered that Plaintiff's 1983 claims against Officer Colbert in his official capacity be dismissed.

Additionally, amid those December 7, 2017 orders and while upholding Plaintiff's 42 USC 1983 claims against Lackey and Colbert so far as their individual capacities, this district court, relying much upon magistrate findings and recommendations by Judge Christine Nowak, ordered that Plaintiff file a Rule 7(a) reply within fourteen days from the date of those December 7, 2017 orders, addressing the inapplicability of the qualified immunity defense and specifically clarifying under which constitutional right he brings his malicious prosecution claim, and alleging facts demonstrating that Lackey and Colbert acted without probable cause and acted with malice in making false accusations about "Plaintiff's phone message."

Further, amid those December 7, 2017 orders, this district court ordered "that upon Plaintiff's Rule 7(a) reply, and upon any additional briefing deemed necessary by the magistrate judge, that the magistrate judge should enter an amended report and recommendation on Lackey's motion to dismiss addressing these claims."

Plaintiff now litigates to appeal those dismissals by this district court; and further litigates to appeal those several orders by this district court.

3. By terms of Rule 3(d) of the Federal Rules of Appellate Procedure, the clerk of this district court is mandated to serve notice of the filing of this notice of appeal upon all parties to this appeal.

4. By terms of Rule 3(e) of the Federal Rules of Appellate Procedure mandates that an appellant must pay the district clerk all required fees to appeal.

By terms of Rule 24(a)(1) of the Federal Rules of Appellate Procedure, any party to a district court action who desires to appeal district court matters in forma pauperis must file a motion to

proceed on appeal in forma pauperis amid the district court forum; and must also file an affidavit in accompany therewith which shows inability to pay costs and fees on appeal, which claims entitlement to redress, and which states the issues intended to be presented on appeal.

By terms of Rule 3(e) of the Federal Rules of Appellate Procedure, a party wishing to appeal matters from a district court forum must furnish the district clerk with enough copies of his notice of appeal to enable the district clerk to comply with Rule 3(d) of the Federal Rules of Appellate Procedure.

5. Plaintiff does bring this appeal in forma pauperis; files a motion to proceed on appeal in forma pauperis, and an affidavit in support of his appeal, in accompany with this notice of appeal; and furnishes the clerk of this district court with ten copies of this notice of appeal, with ten copies of his motion to proceed on appeal in forma pauperis, and with eight copies of his affidavit in support of his motion to proceed on appeal in forma pauperis.


6. Plaintiff appeals the entirety of all review modes and findings set forth by this district court amid the aforementioned December 7, 2017 memorandum and orders.

Additionally, Plaintiff appeals upon grounds that attending judges, Hon. Amos Mazzant and Hon. Christine Nowak, for entirety of this district court cause, breached and made shambles of their judicial duties as mandated by terms of 28 U.S.C. 455.

Additionally, Plaintiff appeals upon the virtual entirety of events played out amid this district court cause; alleges extraordinary circumstances abound amid this district court cause; alleges that he is entitled to appeal upon the general totality of circumstances that have played out amid this district court cause; and alleges that he is not restricted to issues on appeal by any mandates of *Douglass v. United Auto Services Association*, 79 F.3d 415 (5th Cir. 1996), nor is he restricted to issues on appeal by any other law or rule.

7. Aforementioned considered, Plaintiff here gives notice to the aforementioned Defendants, and to attending judges of this court, that he appeals this district court's findings and several orders of December 7, 2017 to the Fifth Circuit Court of Appeals.


Respectfully submitted,

A handwritten signature in cursive script, reading "Scott Fields", is written over a horizontal line.

Scott Fields
221 1/2 South Crockett Street, #41
Sherman, Texas 75090
(903) 461-8209

CERTIFICATE OF VERIFICATION

On this 8th day of January 2018, I, Scott Fields, certify that the pleadings contained in this notice of appeal, to the best of my knowledge, are true and correct.

A handwritten signature in cursive script, reading "Scott Fields", is written over a horizontal line.